

Tuesday, March 19, 2013

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

**PRESENT:** Supervisors: Frank Mecham, Bruce S. Gibson, Adam Hill, Debbie Arnold and Chairperson Paul A. Teixeira

**ABSENT:** None

**THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON PAUL A. TEIXEIRA.**

**Consent Agenda – Review and Approval:**

**1-13.** This is the time set for consideration of the Consent Agenda.

**Chairperson Teixeira:** opens the floor to public comment.

**On motion by Supervisor Gibson, seconded by Supervisor Hill, to approve the Consent Agenda, as amended, is discussed.**

**Supervisor Arnold:** states she will not be supporting Item No. 13.

**Supervisor Gibson amends the motion to approve Consent Agenda Items 1 through 12 and pulls Item 13 from the Consent Agenda for separate action, with Supervisor Mecham seconding the motion.**

The action taken for Consent Agenda items 1 through 12 on the following vote is indicated for each item.

**Motion by:** Bruce S. Gibson  
**Second by:** Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Consent Agenda - Auditor - Controller Items:**

**1.** Submittal of the annual Routine Cash Shortages and Overages Report and Departmental Bank Accounts and Cash Funds Listings for the fiscal year ended June 30, 2012.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Board of Supervisors Items:**

**2.** Request by Supervisor Frank Mecham to re-appoint Jay Palmer as District 1 representative to the Shandon Cemetery District.

**The Board approves as recommended by the County Administrative Officer.**

**3.** Request by Supervisor Frank Mecham to re-appoint David Osgood as District 1 representative to the Adelaida Cemetery District.

**The Board approves as recommended by the County Administrative Officer.**

**4.** Request by Supervisor Frank Mecham to re-appoint William Sporleder and Beverly Rillo as District 1 representatives to the Templeton Cemetery District.

**The Board approves as recommended by the County Administrative Officer.**

5. Submittal of Supervisor's expense report on meetings attended pursuant to Government Code section 53232.3(d).

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Clerk-Recorder Items:**

6. Request to receive and file a resolution of the Templeton Unified School District, certifying all proceedings in the November 6, 2012 General Obligation Bond Election. Districts 1 & 5.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - District Attorney Items:**

7. Submittal of a resolution amending the Position Allocation List (PAL) for Fund Center 132 - District Attorney by adding a 1.00 limited term FTE District Attorney Investigator II position dedicated to the Real Estate Fraud Prosecution Program.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-48, adopted.**

**Consent Agenda - Farm Advisor Items:**

8. Request to re-appoint Dean Thompson and Judith Friend and appoint Michael Dennis to the San Luis Obispo County Grazing Advisory Board.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Health Agency Items:**

9. Request to approve the re-appointments of Jim Salio, Ian Parkinson, Pam Crabaugh, Karl Hansen, Jill Heuer, Theresa Merkle, Joyce Heddleson and Charmaine Quinlan to the Behavioral Health Board.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Planning & Building Items:**

10. Submittal of a resolution authorizing the Department of Planning and Building to submit an application to Caltrans for a Community-Based Transportation Planning Grant for a Ramada Drive Corridor Revitalization Plan in the amount of \$200,000. District 1.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-49, adopted.**

**Consent Agenda - Public Works Items:**

11. Submittal of bid opening report for the Oak Woodland Habitat Mitigation for the Willow Road Extension and Highway 101 Interchange Project, Nipomo, to award the subject contract to John Madonna Construction Co., Inc., the lowest responsible bidder, in the amount of \$548,468.75, and authorize a budget adjustment, in the amount of \$250,000 for this project. District 4.

**The Board approves as recommended by the County Administrative Officer.**

12. Submittal of a resolution amending the County Traffic Regulation Code establishing limited and no

parking zones along Marlborough Lane and Nottingham Drive, Cambria; Huasna Road near Arroyo Grande; Alamo Drive, Los Osos; 6th Street and Crocker Street, Templeton; Alta Mira Lane near San Luis Obispo; and the removal of limited parking ordinances for Los Osos Valley Road near San Luis Obispo. Districts 1, 2, 3 & 4.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-50, adopted.**

**Item Pulled from the Consent Agenda - Public Works - Board Sitting as Flood Control District:**

- 13.** Request for approval of a non-disclosure agreement with the California Department of Water Resources to address non-disclosure of informal State Water Contract extension discussions. All Districts.

**(This item is amended, per the Addendum to the Agenda, by adding Exhibit A to the agreement.)**

**Mr. Eric Greening and Ms. Elsa Dawson:** speak.

**The Board acting as the San Luis Obispo County Flood Control and Water Conservation District approves the non-disclosure agreement with the California Department of Water Resources (DWR) to address non-disclosure of contract extension discussions between DWR and State Water Project Contractors.**

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)		x		

**Public Comment Period:**

- 14.** This is the time set for members of the public wishing to address the Board on matters other than scheduled items.

**Ms. Laura Mordaunt:** recommends the Board hold town hall meetings and outlines various subject matters.

**Ms. Linde Owen and Mr. Ben DiFatta:** address concerns relating to the Los Osos Wastewater Project (LOWWP) and the recent New Times comic strip. Additionally, Mr. DiFatta comments on the Community Action Partnership of San Luis Obispo (CAPSLO) and Family Ties investigation.

**Mr. Tom Dawson:** speaks from a report titled "Working towards a Balanced and Inclusive Green Economy: A United Nations System-wide Perspective."

**Mr. Brian Stacy - Port San Luis Commercial Fisherman's Association former Vice-President:** presents documentation and expresses how he is victim of state terrorism, criminal conspiracy and harassment.

**Ms. Julie Tacker:** addresses concerns regarding her previous request to speak on Closed Session; comments made by Bob Cuddy; the District two Legislative Assistant position; and the LOWWP.

**Mr. Eric Greening:** speaks to the passing of Joe Schwartz; and announces the SLO Clean Water Action organization will be holding a town hall meeting regarding fracking on Tuesday, April 16, 2013 from 7:00 PM to 9:00 PM at the San Luis Obispo Grange Hall.

**Mr. Richard Margetson:** comments on the recent Scottish Irish Fundraiser in Los Osos held by People Helping People and the announcement of Jerri Walsh as their 2013 Person of the Year.

**Mr. Bob Blair:** encourages participation in State agency meetings; supports the Governor's proposed changes to CEQA and speaks to various matters concerning fracking and ethanol fuel.

**Mr. Dane Senser:** comments on the Destiny Myers case and concerns regarding Public Defender fees.

**Mr. Tom Salmon:** requests an update on the public records request regarding Supervisor Gibson and his Legislative Assistant and expresses concerns regarding future litigation on this matter. **No action taken.**

**Board Business:**

15. Consideration of a report on the State and Local implications of implementation of the Federal Patient Protection and Affordable Care Act.

**Chairperson Teixeira:** opens the floor to public comment without response and receives and files the report. **No action taken.**

16. Consideration of a resolution adding the Templeton to Atascadero Connector Trail project to the Public Facilities Financing Plan for Parks, designating \$40,000 in Parks Public Facilities Fees as grant match funding, and accepting \$200,000 in grant funding for the Templeton to Atascadero Connector Trail project. Districts 1 and 5.

**Chairperson Teixeira:** opens the floor to public comment.

**Mr. Eric Greening and Ms. Carolyn Huddleston:** speak.

**RESOLUTION NO. 2013-51, a resolution of findings concerning use of Parks Public Facility Fees to match grant funding for the funding of the Templeton to Atascadero Connector Trail project, adopted. Furthermore, the Board adds the Templeton to Atascadero Connector Trail project to the Public Facilities Financing Plan parks projects list; approves the creation of a capital project “Parks-Templeton to Atascadero Connector Trail - Preliminary Engineering”, WBS Project # 320056; approves a Budget Adjustment Request, contingent on acceptance of grant funding, in the amount of \$200,000 from unanticipated revenue to Capital Projects Fund Center 230, and \$40,000 from the Public Facilities Fee Fund Center 24700 to Capital Projects Fund Center 230; and authorizes the General Services Agency Director, or designee, to submit and sign grant documents for grant funds obtained under the Transportation Enhancement grant program.**

**Motion by:** Frank R. Mecham

**Second by:** Debbie Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Closed Session Items:**

17. The Board announces they will be going into Closed Session regarding:

I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items:

A. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 1. In re Los Osos Community Services District (Bankruptcy); 2. County of Colusa, et al. v. Toby Douglas, et al. (Sacramento Superior Court); 3. Los Osos Community Services District v. County of San Luis Obispo, et al. (Golden State Water); 4. Concerned Landowners in the Paso Robles Groundwater Basin v. County of San Luis Obispo; 5. Edna Valley Watch, et al. v. County of San Luis Obispo, et al., (CV080636); 6. Excelaron, LLC. v. County of San Luis Obispo.

B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 7. Significant exposure to litigation (Government Code, section 54956.9(b).) No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 8. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.

**Chairperson Teixeira:** opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, Assistant County Counsel reports out on the items discussed during Closed Session as follows: no report required as no final action was taken and the Board goes into Open Public Session.

**Board Business Continued:**

18. Request for an authorization to process a General Plan Amendment application (LRP2012-00001) by California Serengeti Corporation to change the Land Use Category from Agriculture to Commercial Retail on a 32 acre portion of a 632 acre parcel located in California Valley. District 5.

**Chairperson Teixeira:** opens the floor to public comment.

**Mr. Kenneth Tab – California Serengeti Corporation President (documentation):** speaks.

**The Board denies the request to authorize the processing of this application and directs staff to work with the applicant on a lot line adjustment proposal and other necessary actions if the applicant wishes to pursue the enhancement of existing development or modification of the approved motel expansion as discussed today.**

**Motion by:** Debbie Arnold  
**Second by:** Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, March 19, 2013, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

**JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors  
  
By: /s/ Annette Ramirez, Deputy Clerk-Recorder

**DATED:** March 20, 2013